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3 UNITED STATES DISTRICT COURT

4 DISTRICT OF NEVADA

5 TERRANCE EUGENE WILLIAMS,  
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v.  
NEVADA DEPARTMENT OF  
CORRECTIONS, et al.,  
Respondents.

Case No. 3:21-cv-00187-HDM-CLB

ORDER

Petitioner Terrance Eugene Williams, a *pro se* Nevada prisoner, has not properly commenced this action by either paying the standard filing fee or filing an application for leave to proceed *in forma pauperis* ("IFP"). He submitted a Petition for Writ of Habeas Corpus (ECF No. 1-1) under 28 U.S.C. § 2254 but he did not pay the \$5.00 filing fee or submit an IFP application.

Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The Court, however, may authorize a prisoner to begin a habeas action without prepaying fees and costs if he or she submits an IFP application on the approved form along with the appropriate supporting documentation: (1) a financial certificate signed by an authorized prison official, (2) a copy of the prisoner's trust account statement for the six-month period prior to filing, and (3) a financial affidavit and acknowledgement signed by the prisoner showing an inability to prepay fees and costs or give security for them. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. Petitioner will have 30 days from the date of this order to either pay the \$5 filing fee or submit an IFP application with all

1 required attachments.

2 Turning to the petition, Local Rule LSR 3-1 requires  
3 Petitioner to file his petition on the Court's required § 2254  
4 petition form. Instead of complying with the local rule, Petitioner  
5 used a state court form. Petitioner must use the required form to  
6 state his claims in order to provide the court with necessary  
7 information to conduct preliminary review of the petition.  
8 Accordingly, Petitioner must file an amended petition on the  
9 Court's form within 30 days of the date of this order. Petitioner  
10 must clearly title the amended petition as such by writing the  
11 word "AMENDED" immediately above "Petition for a Writ of Habeas  
12 Corpus" on page 1 in the caption, and he must place the case  
13 number, 3:21-cv-00187-HDM-CLB, in the designated space. Under  
14 Local Rule 15-1, the amended petition must be complete in itself  
15 without reference to previously filed papers. Thus, the claims and  
16 allegations that are stated in the amended petition will be the  
17 only matters remaining before the Court. Any claims or allegations  
18 that are left out of the amended petition or that are not re-  
19 alleged will not be considered.

20 **IT IS THEREFORE ORDERED:**

- 21 1. The Clerk of Court is instructed to MAIL Petitioner (i) a  
22 blank form petition for a writ of habeas corpus pursuant  
23 to 28 U.S.C. § 2254 with instructions, and (ii) a blank  
24 form Application to Proceed in Forma Pauperis for  
25 incarcerated litigants with instructions.
- 26 2. Within 30 days of the date of this order, Petitioner must  
27 file an IFP application along with (i) a financial  
28 certificate executed and signed by the petitioner and an


1 authorized prison official, (ii) a financial  
2 acknowledgement executed and signed by the petitioner, and  
3 (iii) a statement of his inmate trust account for the six-  
4 month period prior to filing.

5 3. Alternatively, Petitioner will pay the \$5 filing fee within  
6 30 days.

7 4. Petitioner must file an amended petition on the Court's  
8 form within 30 days. Petitioner must clearly title the  
9 amended petition as such by writing the word "AMENDED"  
10 immediately above "Petition for a Writ of Habeas Corpus"  
11 on page 1 in the caption, and he must place the case number,  
12 3:21-cv-00187-HDM-CLB, in the designated space.

13 5. Petitioner's failure to comply with this Order by (a)  
14 filing an amended petition, and either (b) submitting a  
15 complete IFP application, or (c) paying the filing fee  
16 within 30 days will result in the dismissal of this action  
17 without prejudice and without further advance notice.

18 DATED: this 24th day of May 2021.

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HOWARD D. MCKIBBEN  
22 UNITED STATES DISTRICT JUDGE  
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